

In the Matter of Merchant Mariner's Document No. Z-407656 and all
other Documents

Issued to: MAMEDIO DE SIQUEIRA FILHO

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

940

MAMEDIO DE SIQUEIRA FILHO

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

An Examiner of the United States Coast Guard conducted a hearing at New York, New York, and, by order dated 30 May 1956, revoked Appellant's documents upon finding him guilty of misconduct. Two specifications allege, in substance, that while serving as an able seaman on board the American SS SANTA CECILIA under authority of the document above described, Appellant wrongfully assaulted the Chief Mate and First Assistant Engineer with a dangerous weapon with intent to do bodily harm.

The Examiner concluded that the charge and two specifications had been proved. He then revoked Appellant's documents.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 18 December 1954, Appellant was serving as an able seaman on board the American SS SANTA CECILIA and acting under authority of his Merchant Mariner's Document No. Z-407656 while the ship was at Antofagasta, Chile.

While on board the ship on this date, Appellant willfully assaulted the Chief Mate and First Assistant Engineer with a knife, with intent to do bodily harm and without just cause or excuse. The jacket of the Chief Mate was cut and he was injured slightly. Appellant did not succeed in cutting the person or clothing of the First Assistant Engineer.

For this offense, Appellant was convicted in the United States District Court for the Eastern District of New York and sentenced to imprisonment for a period of one year.

Appellant's prior record consists of an admonition in 1944 for engaging in a fight on board ship.

OPINION

Appellant's notice of appeal merely states that the appeal is taken on the ground that the order and the findings upon which the order is predicated are contrary to the law and to the weight of the evidence. This case has been reviewed without further elaboration on appeal because counsel for Appellant has failed to submit a memorandum brief in support of the notice of appeal.

A minute reexamination of the record is not required on appeal where exceptions are blanket in character. Review of the decision should be limited to grounds specified in the appeal where no clear error appears. Attorney General's Manual on the Administrative Procedure Act (1947), page 84. In view of the blanket nature of the appeal and in the absence of clear error, it suffices to state that the order of revocation will be affirmed.

The Federal Court conviction is res judicata in this proceeding. 46 CFR 137.15-5(a). It is the policy of the Coast Guard to revoke the documents of a seaman who has been found guilty of a crime of violence on shipboard. 46 CFR 137.03-5. This regulation clearly applies to a case of assault with a dangerous or deadly weapon.

ORDER

The order of the Examiner dated at New York, New York, on 30 May 1956 is AFFIRMED.

J. A. Hirshfield
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D.C., this 3rd day of December, 1956.